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ABSTRACT

The complex interactions which led to the implementation of the court-ordered desegregation plans for two cities in Massachusetts involve not only the courts but many levels of government. The school departments, the school committees, the mayors, the State Board of Education, the legislature, the governor, and the citizens of Massachusetts, all have varying perspectives, all exert different degrees of influence. This study is an attempt to sort out these persepctives and measure their influences. An examination of the forces leading to desegregation in Boston and Springfield go beyond local activities. It places Massachusetts events in the context of the legal and social developments in school desegregation which have occupied national attention for at least the last 20 years. A survey of constitutional doctrine, federal legislation, civil rights activities, the movement toward community control of schools, and the antibusing backlash, gives new significance to Boston and Springfield desegregation plans and the controversies from which they have emerged. The lesson that can be learned from the study of the progress toward racial balance in Boston and Springfield is clear; regardless of the inherent difficulties or the strength of the opposing forces, an ideal as powerful as that of equal educational opportunity cannot be thwarted indefinitely. What is not clear is whether the ideal will have an impact on the real world. (Author/AM)

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BALANCING THE PUBLIC SCHOOLS

Desegregation in Boston and Springfield

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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FOREWARD

The Massachusetts Research Center is a non-profit, tax exempt organization conducting studies on social and government related issues. The Center was established in January 1974 by citizen groups to meet the increased need for objective research. The priorities and topics for study are selected by an Executive Board which is composed of individuals from citizen and religious organizations and universities.

In its initial year of organization and development, the Center has produced several reports and studies. During July and August, ten papers on varying aspects of desegregation were released, all pertinent to Boston. In September, in response to requests from concerned city officials, the Center produced a pamphlet entitled, "Desegregation: There's something more important in it than busing". In October the Center released a study that received nationwide attention entitled, "A Report: Police Use of Ammunition". Many reports, booklets, and studies are planned for release in early 1975. Currently underway are projects which include papers on criminal justice, police use of ammunition, the state budget and preparation of a legislative almanac.

As a result of the Center's previous work in desegregation, the State Board of Education commissioned it to write a short history of the events leading to the desegregation of the public schools in Boston and Springfield. The Center, interested in having more information available on this important subject, agreed to undertake the task.

It is primarily through the efforts and talents of Dennis Crane, a Boston University Law student, that most of the writing was done, with the exception of the Springfield section, written by Douglas Schiffman, also a Boston University student. Credit for the cover design goes to to Joan Ross.

The Massachusetts Research Center, through its Executive Board, hopes that this history will be helpful in providing people with an understanding of the background of the desegregation process as it is taking place.

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PREFACE

The implementation of the Massachusetts Racial Imbalance Law, Chapter 641 of the Acts of 1965, became one of the prime concerns of the Commonwealth's new Board of Education in January 1966 after it was established with new authority and responsibilities under Chapter 15 of the General Laws. The passage of this Act grew out of the Kiernan Commission Report, "Because it is Right Educationally."

At its very first meeting, the new Board began the nine years of discussion and policy formation which finally saw the desegregation of Boston and Springfield schools accomplished under state and federal laws and court decisions and the beginning of the road to integration.

From the beginning the Board members were dedicated to the principle of equal opportunity for all children. Under three chairmen, William G. Saltonstall, 1966-1968; Allan R. Finlay, 1968-1970; Rae Cecilia Kipp, 1971-1975, the Board has sought compliance with Chapter 641 by reasonable and effective means without reducing its commitment to the goal. Four Commissioners, Owen B. Kiernan, Neil V. Sullivan, Thomas J. Curtin and Gregory R. Anrig have both implemented Board policy and have supplied information, sound advice and insight on the issue of school integration. Dr. Curtin, recently retired Deputy Executive Commissioner, has had a particularly sustaining influence over the direction of the implementation of this Act throughout its existence and deserves special commendation for the assistance that he has provided the Board and Massachusetts school officials.

State responsibility for equal opportunity was defined by Arthur E. Sutherland, an expert in constitutional law at Harvard University, as follows: "This is an essay on education in the obvious and to me it seems that the duty of state officers under the constitution can now be characterized by that adjective. The road is well lighted; we can read the sign posts. . . . Surely by this time the train of decisions of the Supreme Court of the United States on the racial question has been so consistent, has gone on for so many years, has become so predictable, has in 1964 had such decisive Congressional support that one can confidently call the interpretation of the Fourteenth and Fifteenth amendments, an obvious matter."

The Board of Education has faced that state responsibility for nine years, has consistently supported policy decisions implementing equal educational opportunity for all children and has established a Bureau of Equal Educational Opportunity to plan and serve these interests under the direction of Dr. Charles Glenn and the overall administration of Commissioner Gregory R. Anrig. The resolution of permanent plans for access for all children to equality of opportunity lies ahead and the Board of

Education will continue to seek policy decisions which promise realization of this democratic goal.

The Board and I would like to express our appreciation to the Massachusetts Research Center for its work in the production of this worthwhile publication.

Rae Cecilia Kipp, Chairman
Board of Education

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I. INTRODUCTION

Twenty years after the Supreme Court of the United States declared that "Segregated schools are inherently unequal", two cities in Massachusetts implemented desegregation plans. On September 12, 1974, the Boston school system began operation under an interim federal court order which specified the steps to be taken toward desegregation. One week later, a state court order had a similar impact on the opening of the Springfield schools. Although busing was their most visible feature, the plans also called for school construction, facility preparation, curriculum development, faculty and staff reassignment, and adjustments in the distribution of financial resources. The entire communities of Boston and Springfield felt the impact of these changes. The strength of the impact was intensified by the involuntary nature of the changes: desegregation did not come to these cities through election but was the result of court orders.

The complex interactions which led to the implementation of these desegregation plans involved not only the courts but many levels of government. The school departments, the school committees, the mayors, the State Board of Education, the legislature, the governor and the citizens of Massachusetts, all had varying perspectives, all exerted different degrees of influence. This study is an attempt to sort out these perspectives and measure the influences.

An examination of the forces leading to desegregation in Boston and Springfield must go beyond local activities. It is important to place Massachusetts events in the context of the legal and social developments in school desegregation which have occupied national attention for at least the last twenty years. A survey of constitutional doctrine, federal legislation, civil rights activities, the movement toward community control of schools, and the anti-busing backlash, gives new significance to Boston and Springfield desegregation plans and the controversies from which they have emerged.

II. THE NATIONAL PERSPECTIVE

In 1954 the Supreme Court of the United States had before it the case of *Brown v. Board of Education.* The issue was clear: black parents wanted their children to have the same educational opportunity as white children. The old doctrine was also clear: separate educational facilities for blacks and whites are legally acceptable if each group receives the same financial resources. The Court could have decided the *Brown* case on the narrow ground that the separate facilities involved were physically unequal. It went further and declared that "Separate educational facilities are inherently unequal." This declaration inaugurated a national drive to end racial segregation in the public schools. It was based not on sociological and psychological evidence alone, but also on the legal conclusion that the forced isolation of a minority group stamps that group with the badge of inferiority.

Although the *Brown* decision received a considerable degree of criticism, succeeding cases reinforced its conclusions and produced a sophisticated body of constitutional doctrine to deal with the problems of segregation. Under the Fourteenth Amendment only official acts of segregation are unconstitutional. Segregation which results indirectly from private choice or population shifts is know as *de facto* segregation and has not been held to be illegal. *De jure*, illegal, segregation results from the actions or inactions of government officials. Upon a finding of *de jure* segregation, a federal court can order a school system to eliminate the effects of its discriminatory practices. The Supreme Court has created a general standard to guide the lower courts in shaping remedies: while paying heed to the factors of safety and economy, do whatever is reasonably necessary to ensure that all children are receiving the same educational opportunity. In practice this has resulted in the restructuring of attendance zones, the careful planning of school construction, the transfer of teachers and students, and the use of busing associated with such transfers. The busing controversy has received continuous national attention for the past decade; Congress has responded with legislation which attempts to limit the future use of busing.

The immediate impact of the *Brown* decision was felt in those Southern cities where school segregation was specifically allowed by statute. Investigations into the origins of Northern segregation soon revealed that discrimination was a national phenomenon; urban centers throughout the country are now witnessing desegregation activity. As city after city implemented desegregation plans, opportunity arose to evaluate the educational effects of desegregation. Unfortunately, the evaluative studies have thus far been inconclusive. Because of methodological disputes, the failure to define the criteria for judging a plan, and the difficulty of distinguishing racial factors from other variables affecting educational achievement, the studies have not sub-

stantiated the strengths or weaknesses of desegregation as an educational tool.

Thus the desegregation issue has remained in the political arena, subject to all the vagaries of the political process. In the decade following the *Brown* decision a national coalition of civil rights groups, Northern and Southern liberals, clergy, and college students succeeded in garnering massive political strength. The dramatic witness to the strength of this coalition, reflected in President Johnson's leadership, was the Civil Rights Act of 1964. A comprehensive attack on all types of discrimination, the Act gave federal agencies the power to withhold federal funds from school systems using those funds in a racially discriminatory fashion. However, because many school systems were willing to forgo federal financial assistance and because of difficulties in administering the Act, the burden of desegregation remained with the courts.

To complicate matters, the broad coalition responsible for this legislation began to dissolve. The Vietnam War and the environment diverted attention from civil rights issues. The minorities, perhaps frustrated with the lack of actual progress after so much promise, began to scrutinize the society they had been fighting to join. The movement toward black separatism impinged on the school desegregation issue in the form of demands for community control of schools. Among the established groups a new coalition, centered around opposition to the use of busing to achieve desegregation, became nationally prominent. The issue of school desegregation was partially obscured in demands for neighborhood schools.

However, the federal courts remained steadfast in their commitment to the guarantee of equal educational opportunity. But even here the doctrines which had been developed after *Brown* fell short of complete effectiveness. The Supreme Court refused to attribute unequal education to unequal apportionment of financial resources within a state. Most recently the Court prohibited the use of a desegregation plan which joined the suburbs with the inner city.

The legal and social developments of the past decade indicate that no final resolution of the problem of inequality in education will be forthcoming in the near future. What remains secure is the principle that all children are entitled to the same educational opportunity. It is this principle which is ultimately responsible for school desegregation in Boston and Springfield. The complicated history which culminates in the opening of their schools in September, 1974, both reflects and explains this principle.

III. THE RACIAL IMBALANCE ACT

Although developments in Massachusetts have paralleled the national activities concerning school desegregation, one factor distinguishes the Commonwealth from other states. The passage of the Racial Imbalance Act in 1965 made it one of the few states to require its schools to work affirmatively toward desegregation. The existence of this law has had a marked effect on all desegregation activities throughout the state.

The State Board of Education, given powers of supervision and enforcement under the Act, became instrumental in the movement toward equalization of educational opportunity. It was largely responsible for the final shape of the desegregation plans implemented in September, 1974. An understanding of the interactions which produced these plans would not be complete without an examination of the events leading to the passage of the Racial Imbalance Act.

In 1961, at the request of the Boston branch of the NAACP, the Massachusetts Commission Against Discrimination conducted a survey of the Boston public schools to determine whether any discrimination existed in the distribution of white and black children. The conclusions drawn from the survey were remarkable: white and non-white schools did not differ educationally; race was not a factor in the assignment of children to schools. Not satisfied, the NAACP rejected these findings and began to search for other means to establish the existence of what was felt to be extensive discrimination in the public schools. While the existence of racially imbalanced schools was obvious in both Springfield and Boston, the causes of this imbalance were difficult to isolate.

For the next two years, civil rights groups collected evidence of racial discrimination in resource allocation and in pupil assignment. In Boston this lead to a confrontation between the NAACP and the Boston School Committee on June 15, 1963. At a public hearing on the subject, the School Committee refused to recognize the existence of any form of segregation. The Springfield School Committee did recognize that racial imbalance was a problem but did not take any immediate steps to deal with it.

At this point desegregation activities moved in different directions in the two cities. Black leaders in Boston organized school boycotts which twice resulted in the absence of 30% of all secondary students; in Springfield black parents, supported by the NAACP, filed a desegregation suit in the federal district court against the Springfield School Committee. Although these activities had little effect on the local level, they served as catalyst for a response to the problem from the State Board of Education and the Governor. In March, 1964, the State Board announced the creation of an Advisory Committee on Racial

Imbalance and Education (the Kiernan Committee) which immediately began to take a racial census of the public schools in Massachusetts. The committee issued preliminary reports in April and in July, documenting the existence of racial imbalance and asserting that segregation is educationally harmful.

As national events and local activities in Springfield and Boston continued to heighten the importance of the school desegregation issue, two major occurrences in the spring of 1965 brought home to state legislators the reality of segregation. A judge of the federal district court handed down his decision in *Barksdale v. Springfield School Committee*, the Springfield desegregation suit, in which he concluded that racial segregation in the schools was harmful regardless of its cause, and thus unconstitutional. He ordered Springfield to design a plan to eliminate the existing racial imbalance. Although this order was later overruled on appeal, the impact of the decision was not affected. Following this decision, the Kiernan Committee released its final report which concluded that racial imbalance permeated the Boston and Springfield schools and that legislation should be enacted to cure the evils attendant upon that imbalance.

During the summer of 1965 the state legislature was faced with the issue of racial imbalance. The combination of national activity, local pressure, court action, and the definitive statement of the Kiernan report provided a climate amenable to legislation. In addition, a coalition of civil rights organizations, educators, religious leaders, student groups, and various public interest agencies descended on the State House to voice support for a desegregation law. The leadership smiled: Governor Volpe, Lieutenant-Governor Eliot Richardson, House Speaker John Davoren, and the bill's sponsor Senator Beryl Cohen, all used political influence or parliamentary procedure to ensure the success of the bill. On August 13, 1965, the Racial Imbalance Act became a part of the Massachusetts General Laws.

This law provided that all school systems must work to promote racial balance and to eliminate any existing imbalance. The primary obligation fell on local school committees, who were faced with the task of determining the racial composition of the school systems and then of preparing and implementing plans to further racial balance. If school construction or transportation was to be a part of balance plans, the Board of Education would provide reimbursement for the cost of these methods. If an individual school committee failed to work for racial balance or failed to devise adequate plans, the Board was obligated to make specific recommendations to the committee; if the committee then failed to satisfy the requirements of the law, the Board was authorized to withhold state funds from the school system and to prohibit any school construction until compliance had been obtained. Thus the law not only mandated a policy of promoting racial balance but also provided incentives to the school committees in the form of increased financial assistance for positive efforts and the withholding of funds for lack of effort.

Several aspects of the Racial Imbalance Act proved to be troublesome in its subsequent implementation. Its scope was not limited to the correction of official sets of segregation; it was intended to apply to all school systems where schools were statistically imbalanced, regardless of cause. This broad scope meant that corrective plans would have to be equally broad, an unpalatable idea to many. The definition of racial imbalance set forth in the Act was somewhat inflexible. If more than 50 percent of the students in a school were non-white, the school was said to be imbalanced, regardless of the population make-up of the system as a whole. Under this definition it was possible for a school system with a small number of blacks to operate with all those blacks concentrated in one school and still not be in a situation of racial imbalance.

In addition to the preceding aspects of the Act, one other characteristic became important. There were no specific guidelines for judging the efforts of local school systems to achieve racial balance. There were no criteria for determining when the State Board was authorized to use its enforcement authority. Although these problems were corrected through subsequent litigation, the process was extremely time consuming.

Although the State Board acted under the authority of the Racial Imbalance Act in several cities (Cambridge, New Bedford, Medford), primary activity centered around Springfield and Boston, where the black population was the highest. In these two cities numerous balance plans were developed and considered, but none succeeded in achieving racial balance. Desegregation finally became a reality in Springfield and Boston, not as envisioned in the Racial Imbalance Act, but at the behest of court orders. Although this might lead to a conclusion that the Act was not effective, it is important to remember that only under its auspices could the State Board have directed so much effort to the promotion of racial balance. The real effectiveness of the Racial Imbalance Act, and of the State Board's efforts at enforcing it, becomes apparent in the analysis of the progress of Boston and Springfield toward desegregation.

IV. DESEGREGATION IN BOSTON

Testing the Act

Although desegregation officially came to Boston as the result of an interim order of a federal court, the plan called for in that order was the product of planning by the State Board of Education. Beginning in October 1965, the Boston School Committee and the Board became enmeshed in a series of encounters that were not limited to the agency offices, but involved the courts and finally the people of Boston. The history of these encounters reveals the complexity involved in massive social change.

As the 1965 school year began, a group of black parents decided not to rest all their hopes for equal educational opportunity on the new law. Instead they took advantage of the open enrollment policy existing in the Boston schools and developed a transportation program which came to be known as Operation Exodus. This private program made it possible for 400 black children to attend, at considerable expense to their parents, racially balanced schools. As the years passed, the program grew; its concept was adopted in the METCO program, which provided transportation for black children to suburban schools on a voluntary basis. These black parents proved to be very perceptive. The 1965 school year did not witness any significant action toward racial balance; on April 12, 1966, the State Board of Education voted to withhold funds normally due to Boston until an acceptable balance plan was submitted. During the next year the Board, acting on the advice of an established team of educators, the Task Force on Racial Imbalance, negotiated with the Boston School Committee in attempts to develop a successful plan.

After a series of these meetings the State Board, on March 15, 1967, approved as a first step a balance plan submitted by the School Committee which would go into effect in September of 1968. It appeared that the Boston schools were beginning to make the transition to racial balance. However, the School Committee's dissatisfaction with the situation was demonstrated in its unsuccessful appeal to the Massachusetts Supreme Judicial Court challenging the constitutionality of the Racial Imbalance Act. The progress report and second stage balance plan, submitted to the State Board for approval in the spring of 1968, revealed questionable results. Very little actual desegregation had taken place; additional programs were of limited scope. However, the Board gave reluctant approval, apparently deciding that with the addition of several of their own recommendations the new plan could work.

Thus the general pattern of action under the Racial Imbalance Act was set. The annual racial census showed that Boston schools were becoming increasingly imbalanced with each

new school year. The State Board was not properly equipped to supervise the efforts made by the Boston School Committee to reverse this trend. Judge Garrity later outlined the problem in his opinion in the federal desegregation suit, *Morgan v. Hennigan:*

> The board was given only ultimate weapons, viz., the withholding of state funds and resort to the state courts, rather than authority over the management of Boston's school system. Given the method of evasion adopted by the city defendants (the Boston School Committee), formalistic compliance followed by procrastination and evasion on technical grounds, the means of enforcement at the board's disposal were highly ineffective. Sometimes funds withheld to force the adoption of specific proposals had been released before the city defendants' techniques for evasion became known to the board, as happened after the fourth stage plan was approved in August 1971. Similarly, judicial process is slow and unwieldy as a sanction in the hands of an administrative agency operating under a statute as complex and technical as the Racial Imbalance Act. The (board) was simply outmaneuvered by the (School Committee) and frustrated by their intransigence and frequent bad faith.

The State Board was attempting to administer a law which would only work if all parties involved had good faith. In addition to the problems arising from the "intransigence and bad faith" of the Boston School Committee, the State Board was hampered by a lack of manpower and technical assistance.

Progress Toward a Workable Plan

In 1971 the pattern began to change. The State Board created a separate Bureau of Equal Educational Opportunity and appointed Charles Glenn as director. Staffing was increased in a number of important areas. Communication between the State Board and the Boston School Committee became more formalized and specific. A plan which included immediate and long range measures was developed and approved through negotiations. Its implementation was ordered for the 1971-72 school year. It appeared that the State Board and the School Committee had agreed on a method of promoting racial balance. However, the opening of the schools in 1971 revealed the truth behind this appearance. The School Committee did not act in good faith to carry out the plan. This provoked measures by the State Board; state funds were again withheld from Boston. In response, the School Committee filed a suit in the state court protesting this action.

A new pattern had been set. The State Board shifted its approach from reliance on assistance from the School Committee to enforced compliance by way of court orders. Finally convinced that significant progress toward balanced schools could come only in the face of School Committee opposition, the State Board began to take the initiative. After extensive litigation which eventually reached the Massachusetts Supreme Judicial Court, the Board found itself with a set of court-defined guidelines for implementing the policy of the Racial Imbalance Act.

While the School Committee and the State Board were engaged in these court room confrontations, other legal action was

developing. The Massachusetts Commission Against Discrimination, acting on the basis of its own findings, brought a suit in the Superior Court against the School Committee, protesting unfair pupil assignment. Attorneys for the local chapter of the NAACP filed suit in the federal district court charging the School Committee with intentionally operating a segregated school system in violation of the Constitution. This suit, *Morgan v. Hennigan*, eventually resulted in the 1974 order to desegregate the Boston schools. The Office for Civil Rights of the Department of Health, Education and Welfare announced that enforcement proceedings were being initiated against the Boston School Committee for failure to use federal funds in a non-segregatory manner. The Boston School Committee remained impervious to these varied assaults on its educational policies.

In the legal confrontation, the Boston School Committee had charged that the State Board acted arbitrarily in withholding funds; the Board pointed to the repeated failure of the School Committee to devise an acceptable balance plan. The Supreme Judicial Court, on February 15, 1973, declared that efforts to achieve racial balance must go forward and ordered the State Board to conduct administrative hearings aimed at producing an effective plan. Once a plan had been approved, the Board could then resort to the courts to ensure its adoption. The Board complied and appointed Professor Louis Jaffe of Harvard University to hold hearings between March 20 and May 3, 1973. Jaffe's conclusions were specific: the Board should reject the School Committee plans which had been offered and adopt a plan which had been developed by a new State Task Force on Racial Imbalance in late 1972 and early 1973.

This plan, entitled "Short Term Plan to Reduce Racial Imbalance", was designed to comply with the Racial Imbalance Act and to meet requirements set by the Massachusetts Supreme Judicial Court as a result of litigation between the Boston and Springfield School Committees and the State Board. Essentially responsive to safety and distance factors, the plan dealt with Boston's demographic characteristics by focusing on those areas of the city where black and white students live in close proximity. Schools in the Center of the black sections of the city and schools in the outlying white sections were affected by the plan at both the elementary and secondary levels. Through reorganization of grade structure and redistricting, the Task Force attempted to provide for a maximum amount of balancing within the distance limitations set by the court.

The plan was opposed by the Boston School Committee, chiefly because of the amount of busing called for in its implementation. Designed only to meet short-term needs, the plan did not deal with school construction or other long range balancing measures. However, the Task Force believed that through appropriate modifications and additions, the plan could form the beginning of the eventual complete desegregation of the Boston schools.

Implementation in Sight

On June 25, 1973, the State Board of Education issued an "Opinion and Order" signed by its commissioner, Gregory Anrig, which called for implementation of this "Short Term Plan" in September 1974. Faced with this definitive statement ordering the use of a specific plan, the Boston School Committee made a final appeal to the Supreme Judicial Court. In rejecting the challenge the Court spoke for cooperation:

> If the Committee sincerely desires the correction of perceived defects its task is not one of litigation but of consultation and persuasion. We are confident that cooperation between the parties would bring the objectives of racial balance and quality education closer to realization. It is high time that such cooperation commence without the delay inherent in further footless resort to the Courts.

This decision marked the beginning of efforts to ready the Boston school system for the September implementation of the balance plan.

At this point the people of Boston began to realize that desegregation was becoming a reality. Parents of children affected by the plan began to take an interest in its design and in the School Committee's efforts to implement it. As the summer of 1974 approached, the School Committee found itself caught between the court-enforced orders of the State Board and its own public posture of opposition to involuntary integration. It resolved this conflict by grudgingly complying with the timetable specified by the State Board while voicing continuous opposition to the balance plan and the busing called for by it. This opposition was strengthened when the Massachusetts legislature enacted a repeal of the Racial Imbalance Act. Although Governor Sargent vetoed this repeal, it was apparent that in nine years considerable support for racial balance had disappeared.

While the Governor pressed for the adoption of amendments to the Racial Imbalance Act which would prohibit the State Board from requiring the use of busing to achieve balance, the School Committee continued, under a series of court orders, to comply with the implementation requirements of the existing plan. Since that plan involved the busing of more than 10,000 students, many observers assumed that passage of the Governor's amendments would mean the scuttling of the plan. At this point a final development ensured that the Boston schools would begin to desegregate in 1974.

The Federal Court Ruling

On June 21, 1974, Judge W. Arthur Garrity Jr. of the federal district court announced his decision in *Morgan v. Hennigan*, the suit by black parents against the School Committee. His ruling, coming after two years of hearings and deliberations, was clear: "that the rights of the plaintiff class of black students and parents under the Fourteenth Amendment to the Constitution of the United States have been and are being violated by the defendants in their management and operation of the public schools of the City of Boston . . . ." The ruling

was based on findings of segregatory policies and activities in the area of facilities utilization and school construction, districting and redistricting, feeder patterns, open enrollment and controlled transfers, and faculty and staff assignment. The effect of this discrimination was to create a dual school system. In coming to this conclusion, Judge Garrity stated that:

> Plaintiffs have proved that the defendants (Boston School Committee) intentionally segregated schools at all levels, e.g., secondary English, intermediate Lewenberg and elementary Hennigan; built new schools for a decade with sizes and locations designed to promote segregation; maintained patterns of overcrowding and underutilization which promoted segregation at 26 schools; and expanded the capacity of approximately 40 schools by means of portables and additions when students could have been assigned to other schools with the effect of reducing racial imbalance. How many students were intentionally separated on a racial basis cannot be stated with any degree of precision; but the annual totals were certainly in the thousands . . . . .

Accordingly, the judge issued a preliminary order directing the School Committee to continue to work for implementation of the existing balance plan. Although the plan remained substantially the same, the compulsion for its use had shifted from state law to federal law under the Constitution. Thus the last doubt was erased: Boston would begin the desegregation process in September 1974.

Throughout the remainder of the summer, attention was focused on plans to ensure that implementation would be peaceful. Boston School Superintendent William Leary was given the task of coordinating efforts to that end. During these last weeks the antagonism toward busing and the ethnic and geographic isolation which characterizes much of Boston became prominent. Racial animosity, economic disparities, and feelings of political helplessness, factors which exist in all urban centers, combined to produce considerable tension. When these factors were coupled with the ambiguous stance of the School Committee and the explicit opposition of many community leaders, the result was a school opening that was less than peaceful. Absenteeism was high, racial incidents were numerous, and police action was necessary in the first weeks of the new school year. This situation attracted national attention. However, because school desegregation is a process that takes place over a period of years, its success in Boston cannot be judged on the basis of the first two months of classes in the first year. Even as the existing desegregation plan was being initiated, Judge Garrity was concerned with future, more comprehensive plans. Boston officially began to desegregate its schools in September, 1974, but none of the parties involved in the process could relax. As a continuing educational program, desegregation had come to stay.

V. DESEGREGATION IN SPRINGFIELD

Activities Surrounding an Imbalanced School – DeBerry

The DeBerry School is one of five inner city Springfield elementary schools that were racially imbalanced prior to September 1974. An examination of conflicts surrounding DeBerry in the years 1969-70 is indicative of the history of school desegregation throughout Springfield and serves to introduce the general themes which run through that history.

In the four years after the passage of the Racial Imbalance Act in 1965, the Springfield School Committee had made some progress in its efforts to promote racial balance. Largely as the result of school closings, grade reorganization, open enrollment, and METCO, the major imbalance problem had been limited to the inner city elementary schools, where the percentage of non-whites to whites had been increasing steadily.

Inner city schools in Springfield, as in many other cities, contain students whose test scores are consistently lower than those of students enrolled in suburban and outlying schools. Fully cognizant of this fact, the DeBerry Parents Advisory Committee, representing more than 400 parents, proposed the creation of an Inner City Learning Center (ICLC), to be located at the DeBerry School. Relying on the acquisition of federal funds, the ICLC plan called for an innovative, exemplary program, "a model of educational excellence in which inner city children will find an atmosphere of excitement, enrichment, happiness and promise", as stated in the proposal.

But the DeBerry plan would not result in a reduction of racial imbalance. Consequently, in December 1969, the State Commissioner of Education informed the Springfield School Committee that the Board of Education could not approve the use of federal funds for the program. In an attempt to remedy the deficiency, the School Committee sent letters to white parents throughout the city and to the black parents whose children attended DeBerry. The white parents were asked if they would be willing to have their children bused to the proposed ICLC; the black parents were asked if they would be willing to have their children bused out of DeBerry. 845 white parents responded affirmatively; only 28 of the total of 550 black parents would agree to their children's transfers, since they wouldn't be able to benefit from the Learning Center experience. As a result of this response, DeBerry remained imbalanced and the Inner City Learning Center remained only a proposal.

The DeBerry situation revealed several themes: a high degree of parental involvement with the schools; the reliance of the Springfield School Committee on voluntary means to achieve racial balance; the refusal of the Board of Education to lose sight of the racial imbalance problem in their overall concern

with quality education; the Springfield School Department's position as responsive to both the dictates of the State Board and the authority of the School Committee. These elements characterized the entire complex of interactions which eventually resulted in the implementation of a racial balance plan in Springfield.

Early Racial Balance Efforts: Plans and More Plans

In the three years after the passage of the law, the State Board's review of Springfield's compliance was careful, and their response to non-compliance was almost immediate. In December 1966, the Board voted to withhold over $6 million in state aid after the city failed to submit a comprehensive plan detailing proposed school construction. Modifications to the School Committee's December, 1965 plan, the Board ruled, were not enough.

In May 1967, representatives from the state's Racial Imbalance Task Force working in conjunction with School Superintendent Deady unofficially submitted a 3 phase plan to the State Board. However, the School Committee rejected the plan, choosing to submit their own version of the plan in July. The Board promptly rejected the July plan and relations between the Board and the Committee remained at an impasse.

In September 1967, the School Committee approved and submitted a long-range plan acceptable to the Board. It was an expanded version of the July plan, including a school construction schedule, transfers and closings, and the establishment of a METCO program. The Board voted to release the $6 million they had ordered frozen back in December. It appeared that racial balance was in the making, as the School Department released periodic progress reports to the Board on developments in Springfield.

But, occupied with developments in Boston's efforts to desegregate its schools, the Board's scrutiny of Springfield's racial balance efforts did not continue at the same level. Not until mid-1970 did state education officials realize that progress in Springfield was more alleged than real. As Theodore Parker, then director of the Office of Equal Educational Opportunity stated in December 1970, "Springfield's determination to build new schools remains vague and elusive."

In addition to the long-range plan already approved by the State Board, the Springfield School Committee was required to submit a short-term plan for immediate use. To this end, a citizens' committee of 50 citizens had been appointed in October 1969 and assigned the task of developing a short-term plan that would totally balance the Springfield school system in September 1970. Their final report, issued in May 1970, called for the pairing and/or grouping of the five imbalanced schools with predominantly white schools until new facilities could be constructed. The School Committee did not act on this report.

Assessing the overall situation in Springfield in June 1970, the Board voted to put the city on notice that "their failure to comply with the RIA will result in notification to the Comp-

troller and the State Tax Commissioner under C. 70, S.S., to withhold Springfield's share of C. 70 aid."

Late in 1970, the construction aspects of the Springfield School Committee's 1970 plan came under attack from members of the black community. They felt that the proposed construction sites were unacceptable as they placed an unequal burden on black families. But the School Committee in December signed contracts with 3 local architectural firms for the construction of 3 elementary school complexes according to the plan. In a letter to the Commissioner, Mayor Frank Friedman informed Dr. Sullivan "of the very real progress which the city of Springfield has made in attempting to solve the problems of racial imbalance." But the Board was unimpressed, and in late December, informed the School Committee that: funding was again being withheld; the September '67 long-range plan was no longer acceptable; and a short-term plan was due by April 1971, and a long-term plan by the fall of 1971.

To prevent the Springfield School Committee from further acting on its construction plans, parents from Tapley and Brookings schools filed suit against the School Committee *(Maness v. Springfield School Committee)* seeking a temporary restraining order and a declaratory judgment on the constitutionality of the plan. Judge Murray denied the order, citing that the Board had already asked the School Committee to develop a new long-range plan.

While the School Department set to work developing a short-term plan, the School Committee prepared itself for court. On January 14, 1971, a suit was filed against the Board (Springfield School Committee v. Board of Education) stating that the Board was arbitrary and capricious in withholding state funds and seeking an injunction to regain them.

After meeting with city officials, the Board in February voted to restore funds to Springfield with the expectation that a short-term plan would be submitted by April. In March, the School Department drew up three potential balancing proposals, 4 and 5 school clusters, 3 school groupings and two school pairings. On the strength of these proposals, the Board granted an extension on May 18, for the submission of a short-term plan. But resting its chances on the pending court case, the School Committee failed to approve any of the proposed plans, even after a re-extension of the submission date to June 8. The Board of Education, noting the School Committee's lack of compliance, voted once again to freeze over $6 million in state aid.

Faced with a lack of state funding for the 1971-72 school year, the School Committee enlisted the assistance of a private organization to develop a long-range plan. In July 1971, the Educational Planning Associates began their study, which was completed in early January 1972. Known as the Clinchy Plan, it envisioned dividing the city up into quadrants, each containing a segment of Springfield's black community. Largely voluntary in nature, the plan suggested a lottery "to select in an equitable

manner the children who will get their first choice (of schools)."

In late January 1972, the School Committee received the Clinchy Plan but failed to accept or act upon it, just as it had failed to act upon the ad hoc Committee Plan and the three part School Department Plan.

In December 1971, the School Committee proposed a 5th and 6th grade cluster plan involving DeBerry, Brookings and Ells along with nine predominantly white schools, to satisfy the Board's requirement of a short-term plan.

The Courts Enter the Arena

With this plan in its possession, the School Committee awaited the results of the court case. On September 7, 1972, the Supreme Judicial Court handed down its ruling. Outlining a series of guidelines to be of assistance in the formulation of a balance plan, the Court ordered "the Springfield School Committee, with appropriate assistance from the Board, to develop short-term measures consistent with G.L.C.71 537 D which will achieve racial balance in all city schools by September 1973." Also ruling that the Board had improperly withheld state aid, the Court stated that the Board was remiss in its failure to consult with the School Committee after the latter's failure to file a plan.

In response to the Court's order, the School Department drafted a plan in November '72. It was a six-district plan, the one which ultimately would be put into effect in September 1974. The plan was not the product of state officials or outside assistance but was carefully drawn by School Department officials who had a first-hand knowledge of the workings of the Springfield school system. The plan called for two-way busing in Districts 1 through 5, affecting over 40% of Springfield's school population and 30 out of 36 elementary schools. It would not affect kindergarten, open enrollment or METCO pupils. As a follow-up to the plan, the School Department in April 1973 drew up pupil assignments for the plan's implementation. But the School Committee refused to accept the Department's proposal, choosing instead to file with the Board a copy of its 5th and 6th grade cluster plan.

Frustrated by the School Committee's failure to submit an acceptable plan, the Board directed its Task Force on Racial Imbalance to recommend such a plan, and ordered administrative hearings to review plans for compliance with the guidelines of the Court. All interested parties were invited to submit proposals – three did: the State Task Force on Racial Imbalance, the Springfield School Committee, and the Quality Integrated Education Committee, another concerned citizen's group. Peter Roth was named hearing examiner, and was directed to suggest a single plan for implementation in September 1974.

On September 12, 1973, Roth handed down his "Report and Recommendation" on the 10 day hearings held in early August. He rejected the fifth and sixth grade clusters plan as inadequate, stating "that it would not eliminate imbalance in any of the five imbalanced schools." (Report and Recommendations

of Peter Roth, Esq.) The Task Force Plan, essentially the same 6 district plan developed by Dr. Deady and the Springfield School Department, Roth accepted in toto and recommended for adoption. The QIEC formulated a plan, a modification of the Six District Plan, which Roth reviewed favorably. QIEC's objection to the Task Force Plan was that the 6th district, made up of predominantly Puerto Rican schools, (4 schools more than 50% Puerto Rican) was not included in the racial balance formula, creating a situation of minority isolation. Roth noted that the unification of all segments of the city within a racial balance plan is a desirable goal, and should be taken into consideration in the development of long range plans.

In October 1973, census figures for the 1973-1974 school year were released which showed, despite the involvement of community groups and concerted efforts by both the State Board and the School Department, that racial imbalance remained in five elementary schools: Brookings-71%, DeBerry-89%, Ells-94%, Homer-86% and Tapley-86% non-white students. Without the cooperation of the School Committee, racial balance would have to wait another year in Springfield.

The Board of Education heard oral arguments on Roth's "Report and Recommendations" and then issued an "Opinion and Order" on October 12, 1973, sustaining those recommendations, and striking down all of the School Committee's objections. The QIEC's proposal for the 6th district, the Board stated, could not be mandated on the basis of the Racial Imbalance Act, but the Board did order that a study of means to reduce the isolation of the predominantly Hispanic students in district 6 be conducted before October of the following year.

The Board approved the Examiner's recommendations that the Task Force Plan be fully implemented in September 1974, calling for the submission of proposed modifications within sixty days. It also ordered, again within sixty days, a detailed implementation schedule for the 6 district plan and progress reports every thirty days. Finally, it required that a long range plan be submitted by October 15, 1974.

Its position not sustained by the Board, the School Committee again sought redress through the Courts.

During the time the full Supreme Judicial Court considered the many questions involved in the case (over 40 exceptions and objections from the various parties involved), a single Justice issued a temporary order in late December, requiring that the School Committee act upon the implementation schedule in accordance with the Board's order. On January 29, 1974, the Committee complied, and the School Department submitted its "Implementation Schedule for State-Ordered Racial Balance Plan" to the Board.

The anxiously awaited Court decision came down on May 1, 1974. In a thirty page opinion, the Court succinctly stated:

> The time for testing the meaning of the statute has long since passed and the time for prompt action to implement it is at hand.

Calling for the balancing of all Springfield schools in September,

the Court found that the School Committee, rather than the Board, had failed to provide full cooperation in an effort to eliminate racial imbalance. The Court also rejected the city's procedural arguments against the Board, as well as the QIEC's contention that the Puerto Ricans should be classed as non-white rather than as white and included in the balancing efforts. The following day, Mayor William Sullivan said that the city would comply with the decision to implement the plan drawn up by the School Department, although not happy with the Court's ruling.

Another Obstacle: The Racial Imbalance Law is Amended

On July 26, Governor Francis Sargent signed into law a bill amending Chapter 641, the Racial Imbalance Act. The amendments prohibited the State Board from ordering the use of busing to achieve balance. One week later, the School Committee, taking the position that busing could no longer be required in Springfield, asked the Supreme Judicial Court to vacate its May 1 order. The Committee also passed two resolutions:

1. That the Springfield school system open on September 4 with the same grades and school organization as existed in June, except for such adjustments as may be deemed necessary by the School Committee.
2. That no further action be taken on the timetable for implementing the six-district plan without the specific approval of the School Committee.

On August 15, Justice Kaplan ordered implementation of the racial balance plan to continue, denying the Committee a temporary halt. One week later, a full bench denied the Committee's request to vacate the Court's May 1 order calling for the implementation of the 6 district plan in September. The Court noted that a full, written opinion would be handed down in the near future. Thus, despite amendment of the RIA, Springfield was to become a balanced school system when schools reopened at the end of the summer.

The End in Sight: Balanced Schools Open in September

On September 3, Mayor Sullivan and Supt. Deady urged parents to do their utmost to insure a successful school year under the 6 district integration plan. And on September 16, a week later than usual, Springfield schools opened peacefully with 89% attendance. Commenting on the school's opening, Mayor Sullivan said, "from what I could see, the community did pull together. Everybody had the children in mind. They wanted to get them to school safely and get them properly educated. This proves that our community can work together to do what they have to do." (Springfield Daily News, Sept. 16, 1974)

Two months after a desegregated school system opened in Springfield, the Supreme Judicial Court, in a unanimous decision, ruled that any attempt by Legislature or the School Committee "to reverse or impede the progress toward the

achievement of racial balance" would be unconstitutional. Citing the Springfield School Committee's attempt at rescinding actions previously taken towards the implementation of the 6 district plan, Chief Justice Tauro wrote that if "the elimination of the State Boards of Education's power to order busing and redistricting to achieve racial balance (was) intended to forestall the implementation (of the 6 district plan), it is unconstitutional." Once again, the Courts had demonstrated their firm commitment to achieving equal education.

As in Boston, the Springfield plan was only designed to remain in effect until such time as a long range plan could be implemented. The School Committee of Springfield asked for and received an extension from October 15, to December 2, 1974, to submit the long range balance plan. That plan, when completed, would deal with new school construction, the problem of district 6 minority isolation and the changing racial make-up of the Springfield population.

VI. CONCLUSION

William Greenbaum, a research associate at Harvard University, has stated that "The primary function of schooling is socialization, whether the school is viewed from the perspective of the society, the community, the parents, or the child; and the primary question underlying the present malaise in education is *socialization toward what?*" The answer to Greenbaum's question can help to establish the meaning of desegregation for the children in the Boston and Springfield schools. If schooling is a process which readies children for the task of living in American society, desegregation can help the process become more responsive to the needs of that society.

The racial tensions which plague America have their origins in such factors as economic disparities, lack of communication, insensitivity to differing needs, feelings of guilt, feelings of inferiority. As a result of these tensions life in America is more difficult than it has to be. Time, energy, and resources which are consumed in the conflicts arising from these tensions could be directed toward the improvement of the quality of life, toward individual development. Although not a cure-all school desegregation can be instrumental in readying children for the task of this redirection.

If school desegregation is approached as a means of improving educational achievement for all students while promoting beneficial interactions between racial groups and increased awareness of self-worth within groups, things may begin to happen. Black children could continue to learn to take pride in themselves, to cherish their heritage and to gain confidence in their future. White children could learn that a variety of cultures have contributed to the development of America, that they have no special place in society. Black and white children could begin to understand that skin color in itself says nothing about the character of a human being. Discoveries such as these can happen in the proper learning situation. Discoveries such as these ultimately affect the larger society. The magnitude of the effect depends on the success of the desegregation process. While legislators can pass laws authorizing racial balance programs and courts can order the desegregation of school systems, the resulting changes do not necessarily have the desired effect. Effective school desegregation can not be accomplished solely through the command of law.

In Boston and in Springfield the final meaning of school desegregation depends on the response of the educators to the challenge. There is a voluntary element, a measure of good faith, which must accompany a desegregation order. It is impossible to command one person to appreciate another person. It is not impossible to provide a child with the information and understanding which lead to appreciation. The lesson that can be

learned from the study of the progress toward racial balance in Boston and Springfield is clear: regardless of the inherent difficulties or the strength of the opposing forces, an ideal as powerful as that of equal educational opportunity cannot be thwarted indefinitely. What is not clear is whether the ideal will have an impact on the real world. The resolution of this question rests with the many individuals and parties involved in the very difficult and complex process of desegregation.

CHRONOLOGY

1954	U.S. Supreme Court decides *Brown v. Board of Education*, stating that in education, separate but equal is inherently unequal.
1961	Massachusetts Commission Against Discrimination conducts study which finds that race is not a factor in the assignment of children to schools.
April 1964 . . .	Kernan Commission releases study ("Because It is Right Educationally") citing the presence of racially imbalanced schools in Boston.
Spring 1965 . . .	*Barksdale v. School Committee* decided by Federal District Court.
Aug. 1965	Massachusetts Racial Imbalance Act, Ch. 641, enacted.
Sept. 1965 . . .	Operation Exodus begins busing black students into suburban schools.
April 1966. . . .	First state funding withheld from Boston for failure to correct racial imbalance.
Dec. 1966	Funding withheld from Springfield.
Oct. 1968	Racial census shows 57 imbalanced schools in Boston, 5 imbalanced schools in Springfield.
Feb. 1971	State establishes Bureau of Equal Educational Opportunity.
March 1972 . . .	*Morgan v. Hennigan* filed in Federal District Court.
Sept. 1972 . . .	Supreme Judicial Court hands down opinion in *School Committee of Springfield v. Board of Education* (Springfield I), Suffolk Superior Court decides *School Committee of Boston v. Board of Education* (Boston I)
Dec. 1972	Decision handed down by Suffolk Superior Court in Boston II case.
Feb. 1973	Court orders hearings to be held between Boston School Committee and Board of Education officials.
June 1974. . . .	Judge Garrity hands down long awaited decision in *Morgan v. Hennigan*.
July 1974	Amendment to Racial Imbalance Act signed into law by Governor Sargent, Ch. 636.
Sept, 12, 1974 .	Boston School system opens under court-ordered desegregation plan.
Sept. 16, 1974 .	Springfield schools open.

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